

YORK-POQUOSON SHERIFF'S OFFICE GENERAL ORDERS	
SUBJECT: Biased-Based Policing	NUMBER: 2-57
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I. POLICY

It is the policy of the York-Poquoson Sheriff's Office to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insuring that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or about to commit, an infraction of the law.

II. PURPOSE

The purpose of this directive is to unequivocally state that racial, ethnic and gender profiling in law enforcement is totally unacceptable, to provide guidelines for deputies to prevent such occurrences, and to protect deputies from unwarranted accusations when they act within the dictates of law and Sheriff's Office policy.

III. DEFINITION

- A. Biased-based policing: The detention, interdiction, or other disparate treatment of any person on the basis of race, color, ethnicity, sex, sexual orientation, physical handicap, religion, or other belief system.
- B. Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch, but rather, is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the

process of being committed, by the person or persons under suspicion. This can be based on the observations of a deputy sheriff combined with his or her training and experience, and/or reliable information received from credible outside sources.

IV. PROCEDURES - Professional Traffic/Pedestrian Stops

- A. The York-Poquoson Sheriff's Office efforts will be directed toward assigning deputies to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
- B. Deputies will receive initial and ongoing training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills.
- C. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- D. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that deputies do not go beyond the parameters of reasonableness in conducting such activities.
- E. Motorists and pedestrians shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing, or about to commit an infraction. Each time a motorist is stopped, the deputy shall radio to the dispatcher the location of the stop and this information will be logged.
- F. The York-Poquoson Sheriff's Office recognizes that with experience, each individual deputy may develop an individualized approach, which he/she finds works best for them in minimizing conflict during deputy/violator contact. Given some better approach, the following is recommended, in the order specified below:
 - 1. Give a greeting, such as "Good morning, ma'am", "Good afternoon, sir," etc.
 - 2. Identify yourself by name and department.
 - 3. State the reason why the person is being stopped, e.g. "I stopped you because I saw your vehicle come through a red light at the last intersection." (Describing the actions of the vehicle rather than personalizing the action tends to reduce tension).
 - 4. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say", often leads

to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.

5. Politely ask for identification and any required documents, e.g. "May I please see your license and registration?"
 6. After completing the necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, or the date and time of the court hearing, etc.
 7. Give an appropriate closing, e.g. "Thank you for your cooperation." Do not use the trite expression, "Have a nice day", which would be inappropriate in these situations if you have just issued a summons. "Please drive carefully, your safety is important to us" is more appropriate.
 8. Make sure the driver is able to merge safely back into the flow of traffic.
- G. Appropriate enforcement action should always be completed, generally in the form of a warning, summons or arrest.
1. The proper form must be filled out by the deputy, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documentation provided by the individual.
 2. Deputies shall not inquire about the race or ethnicity of the person stopped by asking questions of that individual.
- H. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
- I. If a Sheriff's Office vehicle is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle and/or person, and shall remain activated until the person is released and resumes their journey.
- J. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

- K. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, or gender of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action.

V. COMPLAINTS OF RACIAL/ETHNIC PROFILING

- A. Any person may file a complaint with the York-Poquoson Sheriff's Office if they feel they have been stopped or searched based on racial, ethnic, or gender based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, nor shall any person be discriminated against because they have filed a complaint.
- B. Complaints shall be investigated pursuant to GO 1-9, Complaints/Internal Affairs.